

Remarks

This Response is submitted in response to and is believed to be fully responsive to the Office action dated January 18, 2008, wherein restriction of the claims under 35 U.S.C. § 121 and 372 is required.

Election/Restriction Requirement

The Office contends the claims presently under consideration in the application are independent or distinct because there is more than one species in the present application. Specifically, the Office has identified Group I, including claims 22-36, drawn to a brazing method, and Group II, including claims 37-42, drawn to an electro-technical device.

Applicant elects Group I, including claims 22-36, with traverse.

The Office retroactively reconsidered the question of unity of invention, and states that “a review of U.S. 6,440,182 Karasawa et al. makes clear that the inventions of the groups I-II lack the same or corresponding special technical feature because the cited [*sic*] reference(s) appear to demonstrate that the claimed technical feature does not define a contribution which each of the inventions, considered as a whole, makes over the prior art.” Applicant respectfully disagrees. While Karasawa may present “an electro-technical device which is produced by a different process,” the disclosure of Karasawa is irrelevant to the requirement of unity of invention in the present pending application.

Rule 13.2 states “Where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features.” Special technical features are defined as those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art. Rule 13.2. Applicant respectfully submits that, in the present pending application, the requirement of unity of invention is fulfilled.

The claims of Group II incorporate by reference the features of claim 22, Group I. Specifically, claim 37, from which all other claims in Group II depend, recites “An electro-technical device, comprising the first piece and at the second piece between which a mechanical and electrical connection is achieved according to the brazing method of claim 22.” Thus, the brazing method of claim 22 is incorporated by reference. As the claims of Group II require the brazing method of claim 22 of Group I, Applicant respectfully submits that Group I and Group II are “so linked as to form a single general inventive concept”, as required by Rule 13.1.

The Office states that “Karasawa presents an electro-technical device which is produced by a different process.” However, Applicant respectfully submits that consideration of “the prior art of record” is irrelevant to the determination of whether or not Group I and Group II relate “to a group of inventions so linked as to form a single general inventive concept,” as required by Rule 13.1. The Office asserts that the “sited [*sic*] reference(s) appear to demonstrate that the claimed technical feature **does not define** a contribution which each of the inventions, considered as a whole, makes over the prior art.” However, the question of whether or not the claimed technical feature defines a contribution which each of the inventions makes over the prior art is a question for substantive examination. Unity of invention, in contrast to substantive examination, addresses whether or not a group of inventions in a single application are sufficiently linked to form a single general inventive concept. The Office has provided no evidence to suggest that Group I and Group II are not so linked as to form a single general inventive concept. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this restriction requirement.

Conclusion

Applicant believes no fees or petitions are due with this filing. However, should any such fees or petitions be required, please consider this a request therefore and authorization to charge Deposit Account No. 50-3199 as necessary.

If the Examiner should require any additional information or believes that prosecution of the application may be expedited via a telephone conference, the Examiner is invited to contact the undersigned attorney.

Respectfully submitted,

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